FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3085 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. A.P. Mundergi i/by Ms. Asmita Sarangdhar for the Petitioner.

Mr.A.S.Shitole, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 13/2/2006.

P.C.

1. Heard.

2. Rule. By consent, rule made returnable forthwith.

3. The petitioners have filed revision application in the Sessions Court at Kalyan being Revision Application No.71/2005 challenging an order issuing process against them. In the said revision application, an application for stay was made and the same was rejected by the 1st Adhoc Add. Sessions Judge, Kalyan by his order

dated 10.1.2005. While rejecting the said application, the revisional court expedited the hearing of R.C.C.No.114/2003 and directed that the said case be decided within six months from the date of the order.

4. On 2.12.2005 on behalf of the petitioners a pursis was filed stating that the court had applied its judicial mind while expediting the case and the prayer was made to dispose of the said criminal revision. The said pursis has been treated by the court as application for withdrawal of the revision and after referring the said pursis as "withdrawal pursis", the 1st Adhoc Addl.Sessions Judge, Kalyan disposed of the same as being withdrawn. The Advocate appearing for the petitioner in the trial court is present in the court today and she makes a statement that apart from the pursis dated 2.12.2005 no other withdrawal pursis was filed on behalf of the petitioners before the

revisional court. Statement is accepted bonafide and on acceptance of the statement, it can be seen that there was no prayer for withdrawal in the pursis dated 2.12.2005. I also find that in the interest of justice revision should he heard and disposed of on merits. In the circumstances, the order dated 3.12.2005 passed by the 1st Adhoc Addl.Sessions Judge is quashed and set aside and the revision application is restored to file. It is directed that the said revision be heard and disposed of by Additional Sessions Judge, Kalyan Court within a period of eight weeks from the date of receipt of the writ of this court. It is clarified that the revision will be decided without being influenced in any way by the prima facie observations which have been made on the said application. Rule made absolute in the aforesaid terms. It is directed that in the mean while the trial court may proceed with framing of the charge but will adjourn the matter for evidence

beyond the period of eight weeks from the date of framing of the charge.

(R.S. MOHITE, J.)